



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 18, 2007

CBCA 781

XEROX CORPORATION,

Appellant,

v.

AGENCY FOR INTERNATIONAL DEVELOPMENT,

Respondent.

Richard D. Lieberman of McCarthy, Sweeney & Harkaway, P.C., Washington, DC, counsel for Appellant.

John B. Alumbaugh and William C. Buckhold, Office of the General Counsel, Agency for International Development, Washington, DC, counsel for Respondent.

KULLBERG, Board Judge.

ORDER

On May 31, 2007, appellant brought this appeal citing the failure of the contracting officer to issue a decision on its claim of \$49,260.37. On June 1, 2007, the Board ordered the Government to issue a contracting officer's decision or advise when such a decision would be issued. The Board was subsequently advised by the parties during a conference call on September 6, 2007, that the Government was in the process of paying the various invoices that comprised appellant's claim, but was not certain when all invoices would be paid.

Board's Conference Memorandum (Sept. 7, 2007). In light of the Government's ongoing effort to pay the full amount of appellant's claim, the Board's September 7, 2007, Order suspended proceedings for a period up to forty-five days and further directed that the parties advise the Board on or before the end of the period of suspension whether this appeal could be dismissed with prejudice.

On September 12, 2007, appellant filed a motion to dismiss this appeal in that the Government had paid the entire amount of its claim. The Board deems appellant's motion to be a request for a dismissal with prejudice.

Accordingly, this appeal is **DISMISSED WITH PREJUDICE**.

H. CHUCK KULLBERG
Board Judge